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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,879	07/07/2003	Jason Gallovich	13246-1US JA/AD/mb	6994
20988	7590	11/19/2004	EXAMINER	
OGILVY RENAULT 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			BLOUNT, ERIC	
			ART UNIT	PAPER NUMBER
			2636	
DATE MAILED: 11/19/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

dx

Office Action Summary	Application No. 10/612,879	Applicant(s) GALLOVICH, JASON	
	Examiner Eric M. Blount	Art Unit 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9 and 11-33 is/are rejected.
- 7) ☒ Claim(s) 7,8 and 10 is/are objected to.
- 8) ☒ Claim(s) 34-41 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10222004 & 1052004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-33, drawn to method and apparatus for preventing vehicle theft, classified in class 340, subclass 426.19.
 - II. Claims 34-41, drawn to a method for providing insurance incentives, classified in class 705, subclasses 4 and 14.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the anti-theft device does not require insurance incentives for functionality. The subcombination has separate utility such as business methods, insurance discounts, and promotional offers.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Alexandra Daoud on November 9, 2004 a provisional election was made without traverse to prosecute the invention of Group I,

claims 1-33. Affirmation of this election must be made by applicant in replying to this Office action. Claims 34-41 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 9, 11, 12, 16-25, and 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price R-W et al [U.S. Patent No. 6052068] referred to from here on as Price, in further view of Maloney [U.S. Patent No. 6427913].

As for **claims 1, 16, 19, 21 and 29**, Price discloses a method for locating stolen vehicles and preventing vehicle theft that comprises providing each vehicle with a plurality of signal emitting devices each of the signal emitting devices being independent of the vehicles power source (column 4, line 45 and column 5, lines 5-9). Each vehicle is registered in a central database (column 4, lines 52-58). Readers are placed for receiving signals from the plurality of signal emitting devices at a plurality of locations in a geographical area (column 4, lines 40-44). The reader can be connected to a network having a central location such that all information being processed by the reader is transferred to and accessible by the central location (column 4, lines 1-37 and Figure 1).

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Price shows a two-way communication between the reader and a central location. The information being processed from the readers can be compared with information in the central location to identify vehicles, which have been stolen (column 4, lines 11-20). Price teaches that a central database may store several types of information including vehicle registration information (column 4, lines 15-20 and 52-60). Price does not specifically disclose that the plurality of signal emitting devices are camouflaged among various parts of the vehicles.

In an analogous art, Maloney discloses that a plurality of signal emitting devices may be attached to a vehicle at various locations that are not obvious to the casual user (column 7, lines 47-57). The indication that the plurality of signal emitting devices are located at various non-obvious positions, to the viewer, reasonably appears meet the limitation requiring that the signal emitting devices be camouflaged among the vehicle's various parts, since Maloney discloses that the signal emitting devices may be placed in the bumpers, wheel wells, or tires, or essentially hidden (i.e. camouflaged) in plain sight.

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to combine the teachings of Maloney and Price because a combination of the two would result in a vehicle theft prevention device which could deter theft by providing several vehicle identification means which would be difficult for a criminal to locate and remove.

As for **claim 2**, Price teaches that at least one of the signal emitting devices will emit in response to a request from at least one of the readers and the network (column 3, lines 37-42).

As for **claims 3 and 22**, Maloney discloses in column 14, lines 55-58 that the RF tags in the invention may operate at different frequencies.

Regarding **claims 4 and 23**, Price discloses that the readers are capable of processing and filtering strong and weak signals (column 3, lines 45-50). It is obvious that if the readers are capable of filtering and distinguishing between strong and weak signals that the signal emitting devices could operate at varying frequencies. Varying the signal strength of the signal emitting devices can be viewed as a design choice by the user just as variances in frequency and time.

As for **claims 5 and 24**, Maloney discloses a plurality of signal emitting devices that transmit at different times (column 13, lines 52-67). Signal emitting devices are positioned on a vehicle in a spaced apart manner, as they come within the range of a reader, each tag transmits data.

As for **claims 6 and 25**, Price discloses that the plurality of signal emitting devices includes a number of functional and a number of non-functional devices (column 3, lines 33-45). Prices discloses that a reader can communicate with the signal emitting devices and only signal emitting devices which receive valid messages are functional.

Regarding **claim 9**, the readers disclosed by Price may be fixed at specific locations (column 4, lines 40-44).

As for **claims 11 and 27**, Maloney teaches that fixed readers are located in an enclosed area where vehicles regularly circulate (Figures 2-4).

As for **claims 12 and 28**, Price discloses that law enforcement agencies and other governmental agencies use readers to query the signal emitting devices for vehicle information. It is obvious that the enforcement agencies would have certified personnel install the readers to ensure that the readers functioned properly. Certified installation of equipment was well known in the art at the time of the invention by the applicant. This can be likened to home satellite television installation. A homeowner will use the satellite for personal use but a certified technician installs the equipment to make sure that it function properly.

As for **claims 17 and 32**, both Price and Maloney teach the use of a plurality of signal emitting devices. Maloney discloses that these devices can be located at various regions about the vehicle. It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to provide signal emitting devices at nearly all major body parts of a vehicle because providing more tags on the body of the vehicle would increase the likelihood that a thief would be unable to disable/dislodge all of the signal emitting devices.

As for **claim 18**, Price teaches that the readers interrogate the signal emitting devices. It is obvious that if readers are placed correctly that the signal emitting devices will emit signals in accord with the placement of the readers. If the readers are placed a distance of approximately one hour apart the signal emitting devices will emit a signal at least once an hour.

Regarding **claim 20**, as noted above in the discussion of claim 1, Maloney discloses that signal emitting devices are to be placed in locations on the vehicle that

would make them hard to remove. Obviously, locating and removing the signal emitting devices from the vehicle would damage a vehicle if not removed correctly.

As for **claims 30 and 31**, Price teaches a database that is accessible by various agencies for consultation (column 3, lines 52-67). It would be obvious to one of ordinary skill in the art that agencies be able to update the database when new events occur. This would ensure that the database provided reliable and up-to-date information.

As for **claim 33**, Price teaches that the network may be a wireless network (column 4, lines 28-37).

5. Claims 13-15 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Maloney as applied to claims above, and further in view of Thomas et al [U.S. Patent No. 6335679].

Regarding **claim 13**, neither Price nor Maloney teach an insurance company providing incentives. Thomas discloses that insurance companies are known to provide insurance incentives to customers who equip their vehicles with security devices (column 1, lines 28-32). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that insurance would provide incentives to vehicle owners who used signal-emitting devices. This would have been obvious because it was well known in the art that insurance companies make these types of offers to reduce the risk that a vehicle owner's car be burglarized. Further, this would be advantages to insurance companies and the vehicle owner because they would be able to recover the vehicle.

As for **claims 14 and 26**, Maloney teaches a system that is used to detect zone transitions. This system can be used in parking lots, servicing stations, fueling stations, etc. It would be obvious to one of ordinary skill in the art that the system could be used at a scrap yard because it is an enclosed area similar to the environments that Maloney uses as examples.

As for **claim 15**, it would be obvious to one of ordinary skill in the art that a reader be certified. Please see, claim 12 above.

Allowable Subject Matter

6. **Claims 7, 8, and 10** are objected to as being dependent upon a rejected base claim, but it appears that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

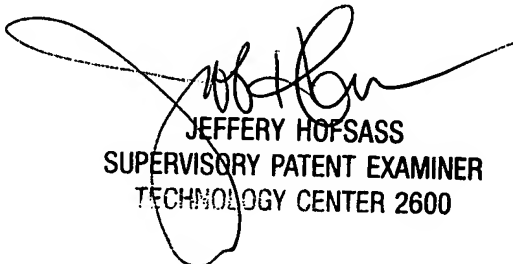
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric M. Blount
Examiner
Art Unit 2636



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